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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
BERNIE CUSTODIO,)
)
Defendant.)

No. CR 06-659 VRW

~~PROPOSED~~ ORDER AND STIPULATION
EXCLUDING TIME FROM OCTOBER 31,
2006 TO FEBRUARY 13, 2007 FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))

The parties appeared before the Court on October 31, 2006, November 21, 2006, and December 19, 2006. At the first hearing, the Defendant had not yet had a chance to fully review the discovery recently provided by the government. At the subsequent two hearings, counsel for the Defendant requested additional time to investigate the facts of the case in order to determine the best strategy for plea negotiations. With the agreement of the parties, and with the consent of the defendant, the Court therefore enters this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from October 31, 2006 to February 13, 2007. The parties agreed, and the Court found and held, as follows:

1. The defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time

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necessary for effective preparation, taking into account the exercise of due diligence and the need to review the discovery and investigate options for the most appropriate settlement of the case, and would deny the defendant continuity of counsel.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from October 31, 2006 to February 13, 2007, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from October 31, 2006 to February 13, 2007, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4. The parties shall appear before the Court at 10:30 on Tuesday, February 13, 2007.

IT IS SO STIPULATED.

DATED: 12/19/06

/s/
TRACIE L. BROWN
Assistant United States Attorney

DATED: 12/21/06

/s/
SHAWN HALBERT
Attorney for BERNIE CUSTODIO

IT IS SO ORDERED.

DATED: January 5, 2007

